

Attorney's Docket: 2002DE124
Serial No.: 10/523,502
Group: 1795

REMARKS

The Office Action mailed June 17, 2008, has been carefully considered together with each of the references cited therein. The remarks presented herein are believed to be fully responsive to the Office Action. Accordingly, reconsideration of the present Application in view of the following remarks is respectfully requested.

Claim Rejections Under 35 USC § 103

Claims 1-3 and 5-15 stand rejected under 35 USC § 103(a) as being unpatentable over US Patent 5,288,581; Ziolo et al. in view of US Patent 6,207,335; Michel et al. This rejection is respectfully traversed.

Essentially, the Office argues that "[i]t would have been obvious to one of ordinary skill in the art to use the organic acid/anion of Michel in the organic anion of Ziolo because Michel teaches that they are used in similar embodiments and that they are functionally equivalent." Applicants respectfully can not agree with this conclusion.

In contrast, it is Applicants' respectful contention that the instant selection of anions are not functionally equivalent in combination with hydrotalcites versus in combination with the metal carboxylates/sulfonates of Michel.

Michel does not teach, suggest or disclose such a selection either in combination with metal carboxylates-sulfonates or in combination with hydrotalcites.

In addition, attached hereto is a Declaration by Eduard Michel speaking to the unexpectedly superior results of the instantly claimed invention and its superiority in contrast to the prior art. Specifically, such Declaration unequivocally shows that only the instant selection of anions in combination with a hydrotalcite provides a toner with outstanding performance with respect to:

- (i) high negative charge level, **and**
- (ii) rapid attainment of the charge, **and**
- (iii) constancy of this charge over an extended activation period.

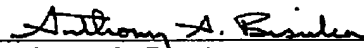
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Moreover, such Declaration speaks to the lack of motivation for one with ordinary skill in the art to arrive at the combination as proffered by the Office in support of its § 103 rejection.

For at least these reasons, it is respectfully contended the 35 USC § 103 rejection has been traversed. In consequence, Applicants courteously request reconsideration and withdrawal of the rejection.

In view of the forgoing remarks and the accompanying § 132 Declaration, the present Application is believed to be in condition for allowance, and reconsideration of it is requested. If the Examiner disagrees, she is requested to contact the attorney for Applicants at the telephone number provided below.

Respectfully submitted,


Anthony A. Blsulca
Attorney for Applicant
Registration No. 40,913

(CUSTOMER NUMBER 25,255)

Clariant Corporation
Industrial Property Department
4000 Monroe Road
Charlotte, North Carolina 28205
Phone: (704) 331-7151
Fax: (704) 331-7707